

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

LEONARD GARY WILLIAMS,)	
)	
Petitioner,)	
)	
v.)	1:14CV789
)	1:10CR57-1
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

ORDER

On November 17, 2014, the United States Magistrate Judge's Recommendation was filed and notice was served on the parties pursuant to 28 U.S.C. § 636. No objections were filed within the time limits prescribed by Section 636. Therefore, the Court need not make a *de novo* review and the Magistrate Judge's Recommendation [Doc. #43] is hereby adopted.

IT IS THEREFORE ORDERED that Petitioner's Amended Motion to Vacate, Set Aside or Correct Sentence [Doc. #34, #40] is GRANTED as to Petitioner's claim that the Information of Prior Conviction is invalid in light of Simmons, and as such, the Judgment [Doc. #21] is VACATED.

The Clerk is directed to set this matter for resentencing. Petitioner remains in custody, and the United States Attorney is directed to produce Petitioner for the resentencing hearing. The Probation Office is directed to prepare a Supplement to the

Presentence Investigation Report in advance of the hearing. Counsel will be appointed to represent Petitioner at the resentencing hearing.

This the 20th day of April, 2015.

/s/ N. Carlton Tilley, Jr.
Senior United States District Judge